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Letter dated 14 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/381).

The Counter-Terrorism Committee has received the attached supplementary report from Mongolia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 4 October 2002 from the Permanent Mission of Mongolia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Mongolia to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee of the United Nations Security Council and, with reference to the letter of the Committee dated 22 March 2002, has the honour to forward herewith the response of the Mongolian Government (see enclosure). Further information on assistance needed in implementing Security Council resolution 1373 (2001) will be forwarded to the Counter-Terrorism Committee in the near future.

Enclosure

Supplementary report of Mongolia to the Counter-Terrorism Committee submitted pursuant to resolution 1373 (2001)

Resolution 1373 (2001)	*CTC's comments/questions*	*Measures taken by the Government of Mongolia*
Subparagraph 1 (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;	Please outline the specific provisions aimed at criminalizing the wilful provision or collection of funds as specified in subparagraph 1 (b), and specify what penalties apply to such acts.	Mongolia stands firm against all manifestations of international terrorism and is committed to the strict implementation of the obligations under the UNSCR 1373. In addition to several actions taken by the executive power/Presidential decree No. 60, 3 October 2001, requesting the Government to exert its efforts towards the implementation of the United Nations Security Council resolutions 1267 (1999), 1333 (2000), 1368 (2001), 1373 (2001); Resolution No. 226 of the Government of Mongolia, 10 October 2001 etc./relevant provisions criminalizing the commission, or the threat of terrorist acts were included in the new Criminal Code adopted by the State Great Khural of Mongolia (Parliament) on 3 January 2002. The wilful provision or collection of funds for terrorist purposes was not specifically criminalized in the new Criminal Code of Mongolia. Nonetheless, this shortcoming will be eliminated with the ratification of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999, signed on 10 November 2001. Mongolia intends to ratify it in the near future. According to the 1992 Constitution of Mongolia, "the international treaties to which Mongolia is a Party become effective as domestic legislation upon the entry into force of the laws on their ratification or accession". (Article 10.3) Thus with the ratification of the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism this year, all the relevant provisions of international law relating to financing the terrorism will become a part of the national legislation of Mongolia. Presently, the crime of financing the terrorism is partially covered by the criminal provisions on "aiding and abetting". The following chapters of the Criminal Code pertain to terrorist activities: **Chapter 14. Offences against public order** Article 81 (relating to involving serious bodily harm to and killing of President, member of Parliament, ministers etc.) Article 83 (relating to coup d'état) Article 84 (relating to sabotage) Article 86 (relating to intended damages to national integrity) **Chapter 16. Offences against the person and personal reputation** Article 112 (relating to kidnapping) **Chapter 21. Offences against social security** Article 177 (relating to terrorist acts) Article 179 (relating to cause public disorders)

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Resolution 1373 (2001)	CTC's comments/questions	Measures taken by the Government of Mongolia
		Article 182 (relating to organized crime) Article 188 (relating to illicit arms trafficking) **Chapter 30. Offences against humanity** Article 302 (relating to ethnic cleansing) Article 303 (relating to training terrorists)
Subparagraph 2 (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;	Please outline the legislative and other measures that have been taken in order to prohibit the recruitment of members of terrorist groups and to eliminate the revealed flaws and shortcomings with regard to supply of weapons to terrorists.	Mongolia has established a system of strict control over the import, export and internal possession of firearms and other weapons. So far, there were no signs on the supply of weapons to terrorists; however the Ministry of Defence of Mongolia acting within the framework of activities pursuant to Directive of the Minister for Defence No. 1a/505 is undertaking the following measures: The Ministry conducts a complete preliminary examination of the civilians and entities that purchase surplus equipment designed for military purposes. Extensive measures in cooperation with respective law enforcement organizations and agencies are being taken in order to investigate the cases of firearm loss in the Armed Forces.
Subparagraphs 2 (c), (d) Deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens; Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens.	Please outline the existing or proposed legislative measures for the implementation of these subparagraphs of the resolution.	Article 177 (1) of the Criminal Code stipulates that whoever employs or threatens to employ means that are dangerous to the public, thus putting pressure on authorized organizations or individuals, in order to compel directly or indirectly the issuance or abstention from issuance of certain decisions, is to be sentenced to no less than 10 years but not more than 15 years of imprisonment. Article 177 (2) of the Code stipulates that if such actions are perpetrated by a dangerous special criminal by organized group, or criminal group and lead to death of people and harm to the public, the perpetrators are to be sentenced to no less than 20 years but not more than 25 years of imprisonment, or the death penalty. Article 188 (4) of the Criminal Code which sets out the punishment for illicit import or export by organized or criminal groups of firearms, weaponry, narcotic drugs, poisonous, radioactive or explosive substances at no less than 20 but not more than 25 years of imprisonment, thus implies the criminal responsibility of individuals or groups of individuals who commit, participate in, plan, prepare, assist and perpetrate the crime of terrorism. The General Intelligence Department monitors the entry into or transit through the territory of Mongolia of all foreign citizens, aiming at preventing and restricting the entry and transit of terrorists and other individuals associated with them. The Bank of Mongolia is also undertaking a set of measures in order to prevent the possible leakage of terrorist assets and other financial and economic resources into the Mongolian banking system. The Bank of Mongolia has circulated the official request No. 1/1627 of 4 October 2001 of the Governor of the Bank of Mongolia, concerning the possible movement of terrorist assets through accounts in Mongolian banks and requesting them to inform without delay, if any suspicious assets are discovered. So far no situation reports in this regard have been received.

Resolution 1373 (2001)	*CTC's comments questions*	*Measures taken by the Government of Mongolia*
Subparagraphs 3 (a), (b) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks, forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups; Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;	Please explain whether there is in Mongolia an institutional mechanism for the purpose of ensuring compliance with these subparagraphs of the resolution and clarify what is meant in subparagraph 3 (a) of the report by "stepped up" cooperation.	Mongolia coordinates both on domestic and international levels to prevent and pre-empt terrorist activities, to improve information-sharing and investigate methods to deal with new and emerging threats, including the threat posed by weapons of mass destruction. As has been previously mentioned in the initial report, the Government of Mongolia adopted resolution No. 226 of 10 October 2001 on the Support of the Anti-terrorist Coalition specifically requesting the Minister for Justice and Home Affairs and the Head of General Intelligence Department of Mongolia to afford the greatest extent of co-operation to other States in implementing the relevant United Nations Security Council resolutions and cooperating with the relevant foreign law enforcement agencies. On 4 October 2001 the Ministry of Foreign Affairs of Mongolia issued a statement in which it welcomed the formation of the Anti-terrorist Coalition and pledging that Mongolia "will actively work and coordinate its activities with the countries of the International Coalition within the framework of the United Nations and other international organizations in implementing the resolutions and decisions taken by the fifty-sixth session of the United Nations General Assembly aimed at intensifying the fight against terrorism. The Ministry of Defence of Mongolia collects all the data on terrorist movements and potential terrorist attacks on the territory of Mongolia or in other countries aiming at supplying the respective States with timely preventive information.
Subparagraph 3 (c) Cooperate particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;	Has Mongolia concluded bilateral cooperation agreements to prevent and suppress terrorist attacks and take action against perpetrators of such acts? Please provide a list.	Mongolia has no bilateral treaties specifically dealing with the crime of terrorism, but it has in force bilateral treaties on mutual legal assistance on criminal, civil issues with a number of countries, namely, with Bulgaria, DPRK, Hungary, Kazakhstan, Romania, China, Czech Republic, Slovakia (succession in respect of the treaties of former Czechoslovakia), Serbia and Montenegro, Croatia, Bosnia and Herzegovina, Cuba, Poland, Russian Federation, Kyrgyzstan, Viet Nam, Turkey, India, Republic of Korea, FYRM (Former Yugoslav Republic of Macedonia), Slovenia, France (civil only). They provide for a wide range of assistance in the investigation, prosecution and suppression of criminal offences. By way of example, these treaties typically facilitate but are not limited to mutual assistance to investigators, prosecutors in obtaining documents, witness statements and testimony, detention and extradition of criminals and assistance in freezing and forfeiting criminally derived assets.

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Subparagraph 3 (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;	Have the crimes set forth in the relevant international conventions been included as extraditable offences in the bilateral treaties to which Mongolia is party, as provided for in a number of the relevant international conventions and protocols relating to terrorism?	Mongolia has concluded bilateral treaties on extradition of criminals with four countries: • Treaty between Mongolia and Kazakhstan on Extradition of Criminals for the Purposes of Sentencing and Judicial Trial of 22 October 1993; • Treaty on Extradition of Criminals between Mongolia and People's Republic of China of 19 August 1997; • Treaty on Extradition of Criminals between Mongolia and Republic of Korea of 31 May 1997; • Treaty on Extradition of Criminals between Mongolia and Republic of India of 3 January 1997.
Subparagraph 3 (g) Ensure in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;	Please describe the existing or proposed legislative measures for the implementation of this subparagraph of the resolution.	The Government of Mongolia is considering at the moment the issue of accession to the Convention Relating to the Status of Refugees of 28 July 1951, and its Protocol of October 1967.
Paragraph 4 Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials and in this regard emphasizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global	Has Mongolia addressed any of the concerns expressed in paragraph 4 of the resolution?	After declaring its territory a nuclear-weapon-free zone in 1992 at the United Nations General Assembly, Mongolia adopted in 2000 the Law of Mongolia on its nuclear-weapon-free status. According to the Law individuals, legal entities and foreign States are prohibited "to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons" (4.1.1), "station or transport nuclear weapons by any means" (4.1.2), transportation through the territory of Mongolia of components or parts thereof, as well as of nuclear waster or any other nuclear material designed or produced for weapons purposes is prohibited as well (4.2). Moreover, the competent authorities of Mongolia have the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons (6.2). In 2001 Mongolia signed the Protocol Additional to the Agreement between Mongolia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which constitutes a significant step in Mongolia's commitment to non-proliferation regime and her determination to deal with the issue of transfer of sensitive materials. Mongolia is a State Party of both the Biological Weapons Convention of 1992 and Chemical Weapons Convention of 1999. The Government of Mongolia attaches special attention to the problem of drug trafficking and

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response to this serious challenge and threat to international security;		organized crime. The Government adopted "The National Programme against Narcotics" in the resolution No. 34 of 1 March 2000. The programme is to be implemented in two stages in 2000-2005. The National Council to organize activities to implement the programme against narcotics has been established. This programme also includes the co-operation with police organizations in foreign countries and Interpol to combat crimes related with narcotics. Mongolia is a State Party to the 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances and is considering accession to 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Division to combat the organized crime has been formed by the Police General Department and the Chemical Laboratory has been re-equipped to become the Criminalistic Centre. The Bank of Mongolia acting under resolution 226 of the Government of Mongolia has circulated a Recommendation on the Issues of Concern for Banks and Financial Institutions in Combating the Money-laundering Activities in the banking and financial sector of Mongolia, which provides for a wide set of measures aimed at preventing money-laundering. In addition to this, the Bank of Mongolia actively participates in the activities of the Asia Pacific Group on Money Laundering, wherein Mongolia enjoys observer's status.

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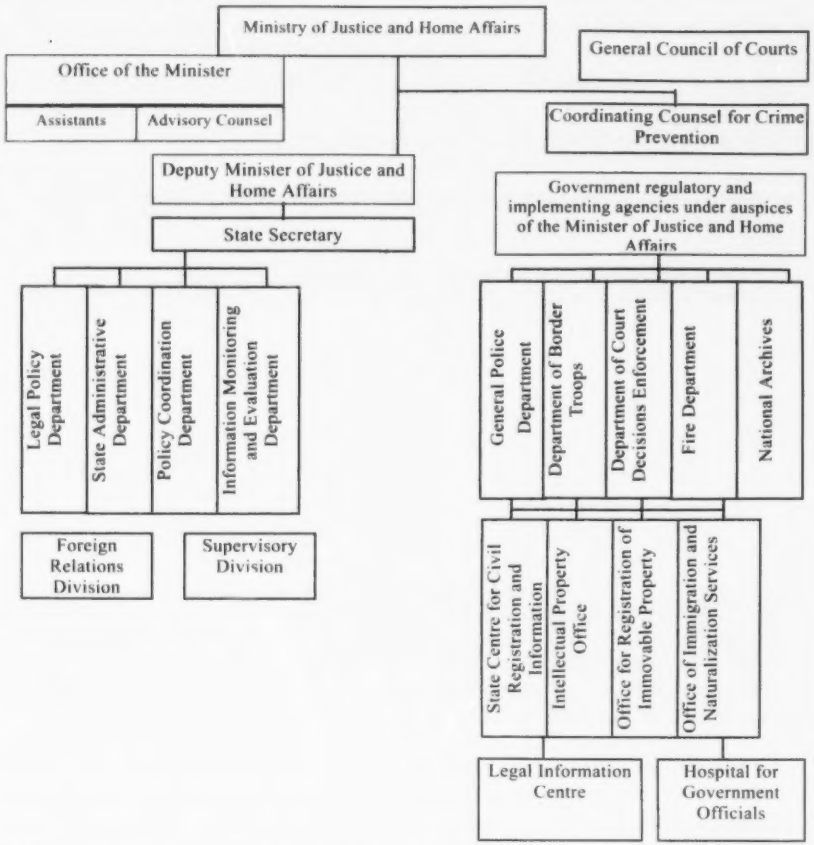
Other matters	Could Mongolia please provide an organizational chart of its administrative machinery such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution.	**Organizational chart of the Ministry of Justice and Home Affairs**  Other relevant agencies are: Ministry of Foreign Affairs (focal point), Ministry of Finance and Economy, Bank of Mongolia, General Intelligence Department, Office of Prosecutor General, Ministry of Infrastructure, etc.